

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
V.)	CRIMINAL No. 04-10378-GAO
)	
ROSS ELLIOTT)	

United States' Memorandum Regarding Detention

As requested by the Court on December 16, 2004, the United States hereby submits this memorandum regarding the legal basis on which it moved for detention under 18 U.S.C. § 3142(f)(1)(A) in the above-captioned matter.

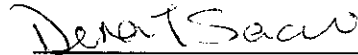
Title 18, United States Code, Section 3142(f)(1)(A) provides that the government may move for detention in a case that involves "a crime of violence." Title 18, United States Code, Section 3156 provides the definitions for sections 3141 through 3150. Title 18, United States Code, Section 3156(a)(4)(C) states that the term "crime of violence" includes "any felony under Chapter 109A, 110, or 117." The Defendant in this case was charged with possession of child pornography, in violation of Title 18, United States Code, 2252(a)(4)(B). Section 2252 is contained in Chapter 110 of the criminal code (which is titled "Sexual Exploitation and Other Abuse of Children"). Accordingly, the government was authorized to move for detention under 18 U.S.C. § 3142(f)(1)(A) in this case.¹

¹The defendant in this case was charged with possession of child pornography under Section 2252(a)(4)(B). In many cases involving crimes against children, including cases charging

Respectfully Submitted,

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receipt, transportation, and/or distribution of child pornography under the other subsections of Section 2252, there is a presumption that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community. 18 U.S.C. § 3142(e).

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by facsimile and by having deposited in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

John Palmer, Esq.
24 School Street
Boston, MA 02108

This 20th day of December, 2004.



Dena T. Sacco
ASSISTANT UNITED STATES ATTORNEY